



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
May 10, 2004**

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12-04

DET:det

The meeting was called to order at 9:48 a.m., with all Members being present, and with Chairman Connolly presiding.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTER

1. **MOMENT OF SILENCE** (9:48 a.m.)

Chairman Connolly asked everyone to keep in thoughts the men and women overseas and also the men, women, and children affected by the US presence overseas.

AGENDA ITEMS

2. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ALEXIS KUIPER** (9:49 a.m.)

Supervisor Bulova moved approval of the Certificate of Recognition presented to Ms. Alexis Kuiper for being named in the Prudential Spirit of Community Awards program as a 2004 top youth volunteer in Virginia. This motion, the second to which was inaudible, carried by unanimous vote.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO RESTON COMMUNITY CENTER** (9:57 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Reston Community Center for being selected by the National Association of Counties as a winner in the 2004 Acts of Caring Awards Program. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

4. **PROCLAMATION DESIGNATING MAY 2004 AS "EARLY INTERVENTION AWARENESS MONTH" IN FAIRFAX COUNTY** (10:04 a.m.)

Supervisor Gross moved approval of the Proclamation to designate May 2004 as "*Early Intervention Awareness Month*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

5. **RESOLUTION CONGRATULATING THE FAIRFAX COUNTY PUBLIC LIBRARY FOUNDATION** (10:11 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution to congratulate the Fairfax County Public Library Foundation on its tenth anniversary. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **PROCLAMATION TO DESIGNATE MAY 16-22, 2004 AS "PUBLIC WORKS WEEK" IN FAIRFAX COUNTY** (10:21 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate May 16-22, 2004, as "*Public Works Week*" in Fairfax County. This motion, the second to which was indistinguishable, carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

ADDITIONAL BOARD MATTERS

7. **INTRODUCTION OF STAFF MEMBER MARTIN TAYLOR OF THE HUNTER MILL DISTRICT OFFICE** (10:30 a.m.)

Supervisor Hudgins introduced Martin Taylor as a new staff member to the Hunter Mill District Office. Mr. Taylor will be responsible for human services issues. He previously worked at the National Leagues of Cities and the AFL-CIO.

8. **RECOGNITION OF THE PRESENTATION OF UMBRELLAS TO THE BOARD BY THE CHAMBER OF COMMERCE** (10:30 a.m.)

Chairman Connolly informed Board Members that the umbrellas they received were provided by the Chamber of Commerce in conjunction with the February 26, 2004, Twenty-sixth Annual Valor Awards and presented to the Board in appreciation for its support of the program.

9. **BIKE TO WORK DAY** (10:31 a.m.)

Christopher D. Wells, Pedestrian Program Manager, Department of Transportation, reported on the outcome of Bike to Work Day, which was held on Friday, May 7, 2004.

Supervisor Smyth noted that the Virginia Department of Transportation handed out surveys at the W&OD stop in Vienna and asked unanimous consent that the Board direct Mr. Wells to provide the Board with the results of the survey. Without objection, it was so ordered.

AGENDA ITEMS

10. **CERTIFICATE OF RECOGNITION FOR MS. ROSE LAMBERT FOR HER YEARS OF SERVICE TO THE MOUNT VERNON DISTRICT AND FAIRFAX COUNTY** (10:34 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to Ms. Rose Lambert for her years of service to the Mount Vernon District and Fairfax County. This motion, the second to which was inaudible, carried by unanimous vote.

11. **10 A.M. – PRESENTATION OF THE VOLUNTEER FIRE COMMISSION** (10:47 a.m.)

Chairman Connolly introduced Tim Fleming, Chairman of the Volunteer Fire Commission. Mr. Fleming presented the 2003 Volunteer Fire and Rescue Service Awards to the following recipients:

- Kevin Piatt, Volunteer Firefighter of the Year
- Howard Springsteen, Volunteer Operational Officer
- Michael Toreno, BLS Provider of the Year
- Anthony Stancampiano, EMS Provider of the Year
- Erik MacClain, Volunteer Rookie of the Year

- Margaret Monthan, Administrative Officer of the Year
- Paul Filipowicz, Administrative Member of the Year
- Virginia Burke, Auxiliary Member of the Year
- Laura Adams, Fire Commission Special Recognition Award
- Joe Davis, Fire Commission Special Recognition Award
- Fabio Mir, Fire Commission Special Recognition Award
- Dallas Slempp

ADDITIONAL BOARD MATTER

12. **RECOGNITION OF VICE MAYOR EDYTHE FRANKEL KELLEHER OF THE TOWN OF VIENNA** (10:58 a.m.)

Supervisor Gross recognized the presence of Vice Mayor Edythe Frankel Kelleher of the Town of Vienna in the audience and warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

DS:ds

13. **ADMINISTRATIVE ITEMS** (10:59 a.m.)

Supervisor Gross moved approval of the Administrative Items with the exception of Admin 3, which was withdrawn by staff. Supervisor Kauffman seconded the motion.

Chairman Connolly called the Board's attention to Admin 6 – Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Fairfax County Department of Transportation Residential Traffic Administration Program. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to report with the following information:

- The total number of \$200 speeding tickets that have been written.
- The location associated with those speeding tickets.
- The number of \$200 speeding tickets that were written from April 2002 through April 2004.

Without objection, the request was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion, Supervisor Hyland asked unanimous consent that the Board direct staff to report with the following information:

- Of the total number of tickets written, the number of cases where the individual was found guilty.
- The number of cases where the \$200 fine was imposed.

Without objection, the request was so ordered.

Chairman Connolly called the Board's attention to Admin 16 – Authorization for the Fairfax County Police Department to Apply to the US Department of Justice, Office of Community Oriented Policing Services, for a Grant under the COPS in Schools Program. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to work with the Police Department to ascertain whether its staff understands that the School Resource Officers also have a gang prevention role and that future items like this reflect that as a priority. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion to approve the Administrative Items, with the exception of Admin 3, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (LEE, MASON, MOUNT VERNON, AND PROVIDENCE DISTRICTS)

Approved the extension of review periods for Public Facility (2322) Review Applications to the dates noted:

- Application 2232-V04-2 to July 16, 2004
- Application FS-P04-5 to July 16, 2004
- Application 2232-L04-5 to July 17, 2004
- Application FS-M04-11 to July 18, 2004

ADMIN 2 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with their registration numbers, as Plans Examiners:

- John C. Levtov (246)
- Edward R. Umbrell (247)
- Mohamed A. Kadasi (248)
- Kyle Burchard (249)
- Matthew K. Koirtyohann (250)
- Kimberly Jones (251)
- David R. Hall (252)
- Deniz Callahan (253)

ADMIN 3 – AUTHORIZATION FOR THE HEALTH DEPARTMENT TO APPLY TO THE DE BEAUMONT FOUNDATION FOR EMERGENCY PLANNING FUNDS

This item was withdrawn by staff.

ADMIN 4 – INSTALLATION OF "NO PARKING FOR COMMERCIAL VEHICLES OVER 12,000 POUNDS" SIGNS ON BOTH SIDES OF SOUTH STREET FROM ARLINGTON BOULEVARD TO THE FAIRFAX COUNTY LIMIT SOUTH OF HILLWOOD AVENUE (PROVIDENCE DISTRICT)

- (R)
- Adopted the Resolution restricting parking of commercial vehicles over 12,000 pounds on both sides of South Street from Arlington Boulevard to the Fairfax County limit south of Hillwood Avenue.
 - Directed staff to install the necessary signs at the earliest possible date.

ADMIN 5 – INSTALLATION OF A MULTI-WAY STOP AT WELCH COURT AND BROADMOOR STREET (LEE DISTRICT)

- Endorsed the installation of a multi-way stop as part of the Fairfax County Department of Transportation's Residential Traffic

Administration Program at Welch Court and Broadmoor Street (Lee District).

- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 6 – INSTALLATION OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (SPRINGFIELD DISTRICT)

(R) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See pages 4–5.)

- Adopted the Resolution endorsing the installation of "\$200 Additional Fine for Speeding" signs as part of the R-TAP at the following locations:
 - Popes Head Road between Clifton Road and the Fairfax County Parkway
 - Colchester Road between Braddock Road and Fairfax Station Road (south intersection)
- Directed staff to install the necessary signs at the earliest possible date.

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ROBINSON RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 17 (BRADDOCK DISTRICT)

(A) Authorized the advertisement of a public hearing to be held before the Board on **June 7, 2004, at 4 p.m.** to consider the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Robinson RPPD, District 17. The proposed district expansion includes the following street blocks:

- Concordia Street (Route 4893) from Linfield Street (Route 4894) to Holden Street (Route 4895)
- Concordia Street from Gadsen Drive (Route 4871) to the end
- Holden Street from Concordia Street to Grinnell Street (Route 4896)

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 20 (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 7, 2004, at 4 p.m.** to consider the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Langley RPPD, District 20. The proposed district expansion includes the following street:

- Ridge Drive (Route 6090) from Sunny Hill Court (Route 6093) to Ridge Drive

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, TO REMOVE THE GREENWAY DOWNS RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 12 (PROVIDENCE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 7, 2004, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to consider removing the Greenway Downs RPPD, District 13, from the RPPD Program. The proposed district removal includes the following street blocks, which represent all of the area encompassed in the Greenway Downs RPPD:

- West George Mason Road (Route 1716) from Curtis Parkway (Route 3404) to Lee Highway (Route 29)
- Greenway Boulevard (Route 1715) from Curtis Parkway (Route 3404) to Lee Highway (Route 29)

ADMIN 10 – APPROVAL OF THE 2004 SCHEDULE AND THE REVIEW COMMITTEE MEMBERS FOR THE EXCEPTIONAL DESIGN AWARDS PROGRAM

Approved the implementation schedule and the Review Committee members for the 2004 Exceptional Design Awards Program.

ADMIN 11 – STREETS INTO THE SECONDARY SYSTEM (LEE DISTRICT)

- (R) Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Kingstowne Section 47	Lee	Greendale Village Drive

ADMIN 12 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING LOCATION OF OFF-STREET PARKING RELATIVE TO THE FRONT LOT LINE

- (A) (R) Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on June 16, 2004, and before the Board on **July 12, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding the location of off-street parking relative to the front lot line.

ADMIN 13 – AUTHORIZATION FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO SUBMIT A GRANT APPLICATION TO THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) FOR FEDERAL TITLE IV-E ADMINISTRATIVE PASS-THROUGH FUNDS FOR FOSTER/ADOPTIVE PARENT AND VOLUNTEER TRAINING, CHILD WELFARE STAFF TRAINING, AND AN EMPLOYEE EDUCATIONAL AWARD PROGRAM

Authorized DFS to submit a grant application in the amount of \$600,676 from VDSS for the training of foster and adoptive parents and volunteers, training for child welfare staff, and an employee educational stipend program. A local cash match of \$150,169 is required.

ADMIN 14 – AUTHORIZATION FOR THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) TO APPLY FOR US DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) FUNDS FOR EXPANSION OF TREATMENT FOR HOMELESS PERSONS

Authorized CSB to apply to SAMHSA for a grant in the amount of \$400,000 which is designed to expand capacity to provide mental health, substance abuse, and dual diagnosis treatment to the homeless. No local cash match is required.

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4800 OLD MILL ROAD (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **June 7, 2004, at 3 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 4800 Old Mill Road, Tax Map Number 110-1-((03)-0004.

ADMIN 16 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE (DOJ), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR A GRANT UNDER THE COPS IN SCHOOLS PROGRAM

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 5.)

Authorized the FCPD to apply to the US DOJ for a COPS in Schools grant in the amount of \$750,000. A local cash match of \$1,621,056 over the 36-month grant period is required, for a total program cost of \$2,371,056.

ADMIN 17 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING SHARED UTILITY EASEMENTS AND REVIEW TIMES FOR SUBDIVISION PLATS AND PLANS

- (A) Authorized the advertisement of a public hearing to be held before the Planning Commission on June 3, 2004, and before the Board on June 21, 2004, to consider proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), regarding shared utility easements and review times for subdivision plats and plans.

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 13 (AUXILIARY POLICE FORCE)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **May 24, 2004, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 13 (Auxiliary Police Force), to add a new section which creates a volunteer traffic control program.

ADMIN 19 – REVISED PROJECT AGREEMENT FOR BURKE CENTRE VIRGINIA RAILWAY EXPRESS STATION PARKING STRUCTURE

Approved a revised project agreement between the Virginia Department of Transportation and the County for the design and preliminary engineering for the Burke Centre Virginia Railway Express Station Parking Structure.

14. **A-1 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR THE LOCAL CASH MATCH FOR THE PRELIMINARY ENGINEERING OF THE WIDENING OF LEE HIGHWAY (ROUTE 29) TO SIX LANES FROM SHIRLEY GATE ROAD TO OLD CENTREVILLE ROAD (SULLY, SPRINGFIELD, AND BRADDOCK DISTRICTS)** (11:02 a.m.)

On motion of Supervisor McConnell, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor Frey being out of the room, the Board concurred in the recommendation of staff and approved a project agreement, in substantial form, for Virginia Department of Transportation Revenue Sharing Funds totaling \$1,707,551. The required local cash match is \$1,707,551, for a total amount of funding of \$3,415,102.

15. **A-2 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR A GRADE SEPARATED INTERCHANGE AT THE INTERSECTION OF SOUTH VAN DORN STREET (ROUTE 613) AND FRANCONIA ROAD (ROUTE 644) (LEE DISTRICT)** (11:03 a.m.)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve a project agreement, in substantial form, for Regional Surface Transportation Program funds for a Grade Separated Interchange at the intersection of South Van Dorn Street (Route 613) and Franconia Road (Route 644). Supervisor Hyland seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

16. **A-3 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR THE WIDENING OF THE FAIRFAX COUNTY PARKWAY FROM RUGBY ROAD TO SUNRISE VALLEY DRIVE (HUNTER MILL AND SULLY DISTRICTS)** (11:05 a.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve a project agreement, in substantial form, for \$3,325,000 in Regional Surface Transportation Program funds. No local cash match is required. Supervisor Frey seconded the motion.

Discussion ensued with input from Tom Biesiadny, Chief, Coordination and Funding Section, Department of Transportation.

Supervisor Frey asked unanimous consent that the Board direct staff to provide the following information:

- When the lane widening designation was approved on the Comprehensive Plan.
- How long the high occupancy vehicle (HOV) lane designation has been on the Comprehensive Plan.
- A map showing where the Comprehensive Plan designates the HOV lane on the Fairfax County Parkway.

Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

17. **A-4 – BOARD ACCEPTANCE OF THE STAFF COMMUNITY ASCERTAINMENT REPORT AND RECOMMENDATIONS AND AUTHORIZATION TO ISSUE THE REQUEST FOR RENEWAL PROPOSAL TO COMCAST CABLEVISION OF VIRGINIA, INCORPORATED (RESTON FRANCHISE AREA)** (11:09 a.m.)

On motion of Supervisor Hudgins, seconded by Chairman Connolly, and carried by a vote of nine, Supervisor DuBois being out of the room, the Board concurred in the recommendation of staff and:

- Accepted the staff report on Future Cable-Related Community Needs and Interests of Fairfax County for the Reston Franchise Area and the Past Performance of Comcast Cablevision of Virginia, Incorporated.
- Authorized staff to issue the Request for Renewal Proposal to Comcast Cablevision of Virginia, Incorporated, as part of the formal cable franchise renewal process.

18. **A-5 – AUTHORIZATION TO EXECUTE A STATEMENT OF UNDERSTANDING BETWEEN FAIRFAX COUNTY AND THE AMERICAN RED CROSS OF THE NATIONAL CAPITAL AREA** (11:09 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and authorize execution of a Statement of Understanding between the County and the American Red Cross of the National Capital area. Supervisor Bulova seconded the motion.

Following discussion, with input from Anthony H. Griffin, County Executive, the question was called on the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

19. **A-6 – PUBLIC-PRIVATE TRANSPORTATION ACT PROPOSAL FOR HIGH OCCUPANCY TOLL (HOT) LANES ON THE CAPITAL BELTWAY (I-495)** (11:10 a.m.)

(BACs) Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve the draft letter from Chairman Connolly to Secretary Clement transmitting comments and recommendations to the Virginia Department of Transportation (VDOT) on the Public-Private Transportation Act proposal by Fluor Daniel for the development, financing, design, and construction of the Capital Beltway HOT Lane project with the considerations as outlined in the Board Agenda Item dated May 10, 2004, with the following modifications on handwritten page two:

- Third Open Bullet – Change "Access and transit options should be included..." to "Access and transit options **need** to be included..."
- First Solid Bullet – Change "To make transit a component of the HOT lane initiative..." to "**Transit needs to be an integral component of the HOT lane initiative...**"

Chairman Connolly seconded the motion.

Supervisor Smyth asked unanimous consent that the Board direct:

- Staff to find additional mechanisms to ensure that the public receives consistent and accurate information regarding targeted areas that may be affected by the proposals, and communicate this to VDOT.
- The Countywide Non-Motorized Transportation (Trails) Committee to review the proposals.

Without objection, it was so ordered.

Following discussion, with input from Young Ho Chang, Director, Department of Transportation, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion as follows:

- Handwritten Page Three, Last Bullet – Change "Request that the County continue...." to "**We** request that the County..."

This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Following discussion, the question was called on the motion, as amended, and it carried by unanimous vote.

20. **I-1 – CONTRACT AWARD – AREA THREE LINED LANDFILL PHASE IIB (MOUNT VERNON DISTRICT)** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated May 10, 2004, requesting authorization for staff to award a contract to Glover Construction Company, Incorporated, in the amount of \$5,727,310 for the construction of Project 186435, in Fund 114, I-95 Refuse Disposal.

The staff was directed administratively to proceed as proposed.

21. **I-2 – CONTRACT AWARD – MAINTENANCE BUILDING AND RELATED WORK AT THE LAUREL HILL GOLF COURSE (MOUNT VERNON DISTRICT)** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated May 10, 2004, requesting authorization for staff to award a contract to Creative Finishes, Incorporated, in the amount of \$750,600 for the construction of the maintenance building and related work at the Laurel Hill Golf Course.

The staff was directed administratively to proceed as proposed.

22. **I-3 – AMERICAN PUBLIC WORKS ASSOCIATION PROJECT OF THE YEAR AWARD FOR THE JUDICIAL CENTER PARKING STRUCTURE (PROVIDENCE DISTRICT)** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated May 10, 2004, announcing that the Fairfax County Judicial Center Parking Structure has been selected to receive an American Public Works Association Chapter Project of the Year Award.

A brief discussion ensued.

ADDITIONAL BOARD MATTERS

23. **UPDATE ON THE EFFECTIVE TAX RATE** (11:17 a.m.)

Supervisor Bulova announced that the State adopted its budget. On Friday, May 7, 2004, the General Assembly passed a \$60 billion biennium budget which provides an additional \$1.5 billion for education, but very little for transportation. She noted that the Board and staff have not completely analyzed all of the revenue implications of that action.

Therefore, Supervisor Bulova said that no action would be taken on the property tax rate until the next Board meeting scheduled for May 24, 2004.

A brief discussion ensued with input from Anthony H. Griffin, County Executive.

NV:nv

24. **LORDS AND LADIES FAIRFAX** (11:20 a.m.)

Chairman Connolly noted that each year the Board selects outstanding members of the community to be recognized as the Lords and Ladies of Fairfax. These citizens go beyond the already superior standards set in Fairfax County to make memorable contributions to their fellow citizens and communities.

To acknowledge the individual Lords and Ladies of Fairfax, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite the appropriate individuals to appear before the Board on June 7, 2004, to receive certificates of recognition for this outstanding achievement. Without objection, it was so ordered.

25. **US ARMY WEEK** (11:20 a.m.)

In conjunction with Celebrate Fairfax! activities, the United States Army Fife and Drum Corps will perform at the Board meeting on June 7, 2004. Accordingly, Chairman Connolly asked unanimous consent that the Board proclaim June 6-13, 2004, as "*US Army Week*" and direct staff to prepare a proclamation for presentation to recognize the members of the Corps. Without objection, it was so ordered.

26. **IMPACT OF STATE BUDGET ON MR WAIVERS** (11:20 a.m.)

(NOTE: Earlier in the meeting, during discussion of the State budget, the Board mentioned the MR Graduate Program. See Clerk's Summary Item CL#23.)

Chairman Connolly reminded the Board that as part of a plan to restructure the MR Graduate program to ensure that as many individuals as possible can take advantage of the program even as funding demands grow, in the Fiscal Year (FY) 2005 Budget, the Board funded 17 of the most critical recent MR graduates. Anticipating roughly \$500,000 in funding from the State to cover the majority of the costs for the new graduates, the Board also established a scholarship fund of \$500,000 to allow for some of the remaining 31 MR graduates to receive some level of funding. He expressed his hope that the General Assembly would provide additional MR waiver slots which might increase the County's ability to assist the 31 unfunded graduates, either directly or by using dollars now allocated to graduates to fund previous graduates awaiting Medicaid funding.

Now that the State has passed a budget for FY 2005, Chairman Connolly moved that the Board direct staff to determine:

- How many MR Waivers the County will receive in FY 2005 from the State's FY 2005-2006 biennium budget.
- Whether those waivers will provide for the 17 MR graduates budgeted in the Board's FY 2005 Budget.
- Whether there are any additional waivers, and, if so, provide the Board with options on how that funding might be used.

Supervisor Hudgins seconded the motion and asked to amend the motion to direct staff to convey information to the affected families indicating that the Board will deal with this issue in an expeditious manner to resolve the uncertainty, and this was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

27. **COLD CASE FILES** (11:22 a.m.)

(NOTE: Earlier in the meeting, the Board mentioned the Annual Valor Awards. See Clerk's Summary Item CL#8.)

Chairman Connolly noted that most of the Board Members joined him for the twenty-sixth Annual Valor Awards on February 26, 2004. The Valor Awards ceremony honors those men and women of Fairfax County public safety who made selfless sacrifice, sometimes placing themselves in grave danger, to safeguard the lives of others. He reminded the Board that this year's ceremony was hosted again by Bill Curtis of the A & E Network's Award winning *Investigative Reports, American Justice and the Cold Case Files*. At the ceremony, Mr. Curtis announced his intention to donate a complete video library of more than 20 episodes of *Cold Case Files* to the County. Chairman Connolly indicated that it was his pleasure to accept the donation on behalf of the Criminal Justice Academy.

Accordingly, Chairman Connolly moved that the Board direct staff to send a certificate of appreciation to Bill Curtis, executive producer and anchor of *Cold Case Files*. Supervisor McConnell seconded the motion, which carried by unanimous vote.

28. **AFFORDABLE HOUSING PRESERVATION FORUM** (11:23 a.m.)

Chairman Connolly announced that last Friday, a number of Board Members attended a press conference for the announcement of the Affordable Housing Preservation Initiative. This past Monday the Board's Housing Committee,

chaired by Supervisor Hudgins, recommended that the Board adopt the plan as its own. A major tenet of this initiative is the Affordable Housing Preservation Forum, which will take place on Wednesday, June 2, 2004, at the Fairview Park Marriott, from 8:30 a.m.-1:30 p.m. A private grant will finance it. This forum will bring together the development community, large property owners, non-profit organizations, advocacy groups, state and local leadership, and others committed to preserving the County's affordable housing stock to address this critical issue. He distributed copies of the most recent draft agenda for this important event, and he encouraged Board Members to review it, making changes or suggestions as appropriate. He urged everyone to attend the event.

29. **RESPONSIBLE FATHERHOOD WEEK** (11:24 a.m.)

Chairman Connolly said that June 19-26, 2004, is Responsible Fatherhood Week. The Fairfax Fatherhood Collaborative was formed to help provide this support, especially to fathers involved in the criminal justice system. The Collaborative is a partnership between Fairfax County agencies, Virginia State departments, nonprofit and faith-based organizations, and interested individuals to provide prevention, intervention, mediation, and educational resources for fathers to encourage responsible parenthood. Chairman Connolly distributed copies of its brochure.

Therefore, Chairman Connolly moved that the Board proclaim June 19-26, 2004, as "*Responsible Fatherhood Week*" in Fairfax County and direct staff to invite the appropriate representatives from the Fairfax Fatherhood Collaborative, Opportunities, Alternatives, and Resources ("OAR") and the Office of the Sheriff to receive the proclamation at the June 21, 2004, Board meeting. Supervisor Kauffman and Supervisor McConnell jointly seconded the motion, which carried by unanimous vote.

30. **OFFICE FURNITURE POLICY** (11:25 a.m.)

- (P) Chairman Connolly stated that the Board has reviewed several policies recently, such as the Travel Policy, Vehicular Purchasing and Retention Policy, and asserted that the County needs to review an office furniture policy. He said that it should always be the Policy of the County that the purchase of furniture is made only when absolutely necessary and, then, under strict guidelines to achieve the greatest savings possible.

Chairman Connolly expressed an interest in receiving the following information:

- The criteria and process used to justify furniture purchases and the approval process.
- When a furniture purchase is justified, the steps taken to ensure that it is purchased as economically as possible.

Accordingly, as part of the Board's ongoing effort to identify budget-saving initiatives, Chairman Connolly moved that the Board direct the County Executive to conduct a review of the Policy governing the purchase of new office furniture by County employees. Supervisor Kauffman seconded the motion.

Chairman Connolly stated that he distributed copies of a memorandum he had received from Anthony H. Griffin, County Executive, on this subject.

The question was called on the motion and it carried by unanimous vote.

31. **SENIOR TEAM DISCOUNT FOR ATHLETIC SERVICES APPLICATION FEE** (11:27 a.m.)

Chairman Connolly said that at the Thirty-fifth Annual Senior Recognition Ceremony he was approached by several senior citizens, active in the use of the County's athletic facilities, on the possibility of offering a senior discount in the Athletic Services Application Fee. Accordingly, he moved that the Board direct the Director of the Department of Community and Recreation Services to investigate the possibility of implementing such a discount and report to the Board. Supervisor McConnell seconded the motion, which carried by unanimous vote.

32. **FAIRFAX COUNTY WEBSITE NAMED "CREAM OF THE CROP"** (11:27 a.m.)

Chairman Connolly said that MuniNet Guide and Review, a leading website for municipal related content on the Internet, recently named the Fairfax County Government website one of four "Cream of the Crop" county websites from across the country. According to the review, the Fairfax County Government website is, "current and comprehensive, this site has it all." The County was recognized both for its e-government initiatives on the Internet as well as its use of the website to disseminate information to residents.

On behalf of the Board, Chairman Connolly expressed appreciation to the County's Information Technology (IT) staff for their tremendous work in keeping the County's website both effective and leading edge, and he congratulated them for receiving this well-deserved award. He asked unanimous consent that the Board direct staff to invite IT staff to appear before the Board for formal recognition at an appropriate time. Without objection, it was so ordered.

33. **COUNTY WINS CITY AND COUNTY PERFORMANCE MANAGEMENT AWARD** (11:28 a.m.)

Chairman Connolly announced that the County recently won the Overall Performance Management Award during the City and County Performance Management Awards program, presented by The Performance Institute in San Diego. The Performance Institute is a private, nonpartisan think tank dedicated to

improving government through the principles of performance, competition, transparency, and accountability. The Institute recognized Fairfax for its strategic planning and budgeting. Among a few of the reasons for the recognition, the Institute stated that the County enables funding of priorities that directly support the County's "Vision goals"; that the County clearly articulates funding decisions to its citizens; and that the County presents budget information in a user-friendly format, improving readability.

On behalf of the Board, Chairman Connolly expressed appreciation to the County Executive and his staff and the County's Budget staff for the outstanding, exemplary, and now award-winning, work that they do and congratulated them for earning this well-deserved recognition. He asked unanimous consent that the Board direct staff to invite the appropriate staff to appear before the Board at an appropriate time to be formally recognized. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

34. **CONCURRENT PROCESSING REQUEST (HUNTER MILL DISTRICT)**
(11:29 a.m.)

Supervisor Hudgins stated that TST Woodland LLC filed applications to rezone 20.9 acres of property in Woodland Park from I-4 (Medium Industrial District) to PDC (Planned Development Commercial District) to develop a mixed use project including office, retail, and multi-family residential uses. No change in density, open space, or design is proposed. The applicant seeks to submit and begin processing its site plan to expedite the construction process.

Accordingly, Supervisor Hudgins moved that the Board direct staff in the Department of Public Works and Environmental Services to review and process the site and building plans for Tax Map 16-4((1)) 42, 43, 44, 45, and 46, concurrent with the review of Rezoning/Final Development Plan Applications RZ/FDP 2003-HM-046 and Proffered Condition Amendment Applications PCA 7-C-098-05, PCA 2000-HM-044, and PCA 80-C-028-07. This motion does not relieve the applicant from complying with the provisions of any applicable ordinances, regulations, or adopted standards, and does not prejudice the consideration of this application in any way. Supervisor Bulova seconded the motion, which carried by unanimous vote.

35. **DOGWOOD ELEMENTARY SCHOOL PRINCIPAL NAMED VIRGINIA'S DISTINGUISHED PRINCIPAL FOR 2004 (HUNTER MILL DISTRICT)** (11:31 a.m.)

Supervisor Hudgins reported that Ricki Harvey, Principal, Dogwood Elementary School in Reston, was named Virginia's Distinguished Principal for 2004 by the Virginia Association of Elementary School Principals and the US Department of Education. After outlining Ms. Harvey's significant achievements, Supervisor Hudgins moved that the Board direct staff to invite Ms. Harvey to appear before

the Board to receive recognition for her contribution to the children of the County. Chairman Connolly seconded the motion.

Following a brief discussion, the question was called on the motion, which carried by unanimous vote.

36. **ALDRIN ELEMENTARY SCHOOL DESIGNATED A PARENT INVOLVEMENT SCHOOL OF EXCELLENCE (HUNTER MILL DISTRICT)** (11:33 a.m.)

Supervisor Hudgins announced that Aldrin Elementary School was designated a “Parent Involvement School of Excellence” by the National Parent Teacher Association. In recognition of this special achievement, she moved that the Board direct staff to prepare and send a certificate of recognition to the school for this outstanding accomplishment. Supervisor Frey seconded the motion, which carried by unanimous vote.

37. **GIRL POWER** (11:34 a.m.)

Supervisor Hudgins announced that Girl Power, an organization sponsored by the Fairfax-Falls Church Community Services Board to encourage and empower girls in the 9-14 age group to build self-esteem and leadership skills, will host the fifth Countywide “Girl Power” conference on Saturday, June 5. Accordingly, she moved that the Board:

- Invite the organizers of the Girl Power conference to appear before the Board on May 24, 2004, to be recognized for their hard work in organizing such a worthwhile conference to benefit the youth in the community.
- Proclaim June 5, 2004, as “*Girl Power Day*” in Fairfax County.

Supervisor Gross seconded the motion.

Following a brief discussion, with input from Merni Fitzgerald, Director, Office of Public Affairs, the question was called on the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

38. **RELAY FOR LIFE (HUNTER MILL DISTRICT)** (11:35 a.m.)

Supervisor Hudgins announced that the Relay for Life will be held at South Lakes High School beginning at 1:30 p.m. on Saturday, May 15 and ending at noon on Sunday. She invited Board Members to join the Hunter Mill District Steppers Relay Team. The event raises funds for finding a cure for cancer.

39. **PUBLIC HEARING DEFERRALS** (11:37 a.m.)

Supervisor DuBois announced her intent to defer at the appropriate time later in the meeting the public hearing for the following application:

- Special Exception Application SE 2002-DR-036

Supervisor Hyland announced his intent to defer at the appropriate time later in the meeting the public hearing for the following application:

- Rezoning Application RZ 2003-MV-051

Supervisor Frey announced his intent to defer at the appropriate time later in the meeting the public hearing for the following application:

- Rezoning Application RZ 2003-SU-057

(NOTE: Later in the meeting, the Board formally deferred these public hearings. See Clerk's Summary Items CL#63, CL#65, CL#74.)

40. **GREAT FALLS FREEDOM MEMORIAL (DRANESVILLE DISTRICT)** (11:38 a.m.)

Supervisor DuBois said that on September 29, 2003, the Board approved the proposal from the Great Falls Memorial Committee to create a monument on public property near the center of Great Falls to honor all those who have served the cause of Liberty throughout the County's history. The Board further approved, in concept, the placement of this monument on the grounds of the Great Falls Community Library in accordance with the location agreed to by the Department of Public Works and Environmental Services (DPWES) and the Great Falls Memorial Committee. The Board further directed staff to provide support to finalize the design and the site plan of the monument, and she provided copies of those plans to the Board.

Supervisor DuBois said that the architectural firm of Lukmire Partnership, Incorporated, the architect for the Great Falls Library, and Paciulli Simmons and Associates were requested to provide the design services for this project. She expressed her appreciation to Ms. Katayoon Shaya and Mr. Luis Lopez at DPWES who have worked closely with her office and the Great Falls Memorial Committee to develop the design of this project and to coordinate the location, access, maintenance, and construction issues. Once sufficient funds are provided by the Great Falls Memorial Committee, DPWES staff will assist with construction. Zadmer Enterprises, Incorporated, the contractor for the construction of the library facility, will provide construction services.

Therefore, Supervisor DuBois moved approval of the final design described in Attachment 1, visual concept shown in Attachment 2, and approval of the text

shown in Attachment 3, in accordance with previous direction from the Board and contained in her written Board Matter. Chairman Connolly seconded the motion and it carried by unanimous vote.

Supervisor DuBois introduced the members of the Great Falls Memorial Committee who were present in the Board Auditorium.

41. **RECOGNITION OF MS. ASHLEY RITZ FOR HEROIC ACTION
(DRANESVILLE DISTRICT)** (11:41 a.m.)

Supervisor DuBois said that on April 21, 2004, Fairfax County Department of Fire and Rescue staff responded to an explosion in a shed in the Pimmit Hills area of the Dranesville District. Devon and Tyler Lutz, two four-year-old brothers born 10-months apart, were in the vicinity of the shed when the explosion occurred and received severe burns.

Supervisor DuBois said that Ashley Ritz, a 15-year-old neighbor who was walking home from the school bus when the accident happened, heard the explosion and the cry for help from the boy's mother. Without hesitation and with total disregard for her own safety, she ran straight towards the black smoke and searched for one of the boys she could hear crying inside the dense smoke and fire. By putting herself in harm's way, she pulled him to safety and attempted to extinguish his burning clothes with her feet and bare hands, receiving burns herself. Her actions and bravery prevented further injuries and saved his life. The boys are undergoing treatment at Shriners Hospital in Boston and are still listed in critical condition.

Supervisor DuBois said that the Aluminum Cans for Burned Children Program (ACBC) is assisting the family with lodging expenses while Devon and Tyler are undergoing treatment. Local businesses, schools, and private citizens have assisted with the ACBC program by collecting aluminum cans. They have collected more than 270 million cans since 1989 when the program began. Participants can take their bags of cans to one of the many drop-off sites located at area fire stations. Those who would like to participate in this very worthwhile program or would like more information can call 703-246-3801 or go online to www.acbcprogram.org. Supervisor DuBois asked unanimous consent that the Board direct the Office of Public Affairs and Channel 16 staff to publicize this program. Without objection, it was so ordered.

Therefore, Supervisor DuBois asked unanimous consent that the Board direct staff to invite Ms. Ritz to appear before the Board on May 24, 2004, to be recognized for her heroic and courageous deed. Without objection, it was so ordered.

A brief discussion ensued.

42. **RETIREMENT OF HERNDON TOWN COUNCILMAN JOHN M. DENOYER (DRANESVILLE DISTRICT)** (11:43 a.m.)

Supervisor DuBois said that Herndon Town Councilman John M. DeNoyer is retiring after years of service to the Town of Herndon and Fairfax County. Mr. DeNoyer served more than 16 years on the Town Council and served for seven years on the Fairfax County Environmental Quality Advisory Council, and as chair of that body from 1991-1994. There is no area of the environment in Fairfax County where Mr. DeNoyer's expertise has not affected the quality of life that citizens enjoy. Perhaps one of Mr. DeNoyer's most endearing qualities is not the work he does day in and day out with the professionals, but the time he spends with children, introducing them to ways to respect and enjoy the environment.

Supervisor DuBois announced that the Town of Herndon is hosting a receptionist for Mr. DeNoyer on May 19, 2004. She moved approval of the resolution proclaiming May 19, 2004, "*John DeNoyer Day*" in Fairfax County. This motion, the second to which was indistinguishable, carried by unanimous vote.

43. **McLEAN DAY FESTIVAL (DRANESVILLE DISTRICT)** (11:44 a.m.)

Supervisor DuBois called the Board's attention to a flyer informing the Board of an upcoming event in McLean. The McLean community is celebrating its eighty-ninth annual McLean Day Festival on Saturday, May 15, at Lewinsville Park from 11 a.m. until 5 p.m. and includes the election of the McLean Community Center Governing Board members. This annual day of fun for all ages includes carnival rides, games, craft booths, and exhibits. For more information, call 703-790-0123.

Supervisor DuBois invited Board Members and all of the citizens of McLean to attend the festivities to be held on Saturday, May 15, at Lewinsville Park in McLean.

44. **COMMUNITY RECYCLING ROADSHOW RECOGNIZED AS BEST IN THE COUNTRY** (11:45 a.m.)

Supervisor Gross said that the County's Community Recycling Roadshow, held November 15, 2003, was recently recognized by America Recycles Day, Incorporated and the Recycle America Alliance as the best in the country. Representatives of America Recycles Day, Incorporated will be at the Government Center on June 7 to present the Division of Solid Waste Collection and Recycling with the prize.

Supervisor Gross asked unanimous consent that the Board direct staff to schedule the presentation ceremony for the morning of the June 7 Board meeting and to invite the appropriate staff and residents to participate in the ceremony. Without objection, it was so ordered.

45. **SHENANDOAH AND POTOMAC DRAFT TRIBUTARY STRATEGIES FOR PROTECTION OF THE CHESAPEAKE BAY** (11:46 a.m.)

Supervisor Gross noted that Board Members recently received a letter from the County Executive transmitting draft comments on the Shenandoah and Potomac Draft Tributary Strategies for protection of the Chesapeake Bay. Staff submitted the comments in draft form since they were due to the State on May 5, 2004, and the turnaround time was too short for Board endorsement of them prior to submittal. The Board should act as soon as possible to finalize the draft comments.

Therefore, Supervisor Gross asked unanimous consent that the Board direct the County Executive to prepare the draft comments for endorsement by the Board at its May 24, 2004, meeting. Without objection, it was so ordered.

46. **ADDITIONAL REPRESENTATION ON THE COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION** (11:47 a.m.)

(BACs) Supervisor Gross referred to a memorandum that she received from Michael Zak, Chairman of the Commission on Organ and Tissue Donation and Transplantation, requesting that the Board add a seat to the Commission for the National Kidney Foundation of the National Capital Area.

Following discussion, with input from Nancy Vehrs, Clerk to the Board, Supervisor Gross moved that the Board add a position to the Commission on Organ and Tissue Donation and Transplantation for the National Kidney Foundation of the National Capital Area. Supervisor Bulova seconded the motion and it carried by unanimous vote.

47. **SAMPLE ANNANDALE! (MASON DISTRICT)** (11:48 a.m.)

Supervisor Gross distributed to Board Members a flyer regarding Sample Annandale! She announced that the outdoor festival celebrating the Annandale community will be held on Saturday, May 22, 2004, from noon until 4 p.m. with show times from 1 p.m. until 3 p.m.

Supervisor Gross asked unanimous consent that the Board direct the Office of Public Affairs to publicize the event. Without objection, it was so ordered.

PW:pw

48. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR REZONING APPLICATION RZ 2003-PR-026, PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-P-118, AND REZONING APPLICATION RZ 2003-PR-013 (PROVIDENCE DISTRICT)** (11:49 a.m.)

- (A) Supervisor Smyth said that Wedderburn and JCE, Incorporated, filed applications for the Elm Street Development, Rezoning Application RZ 2003-PR-026, RZ 2003-PR-013, and Proffered Condition Amendment Application PCA 76-P-118. She indicated that they had been diligently working with the surrounding neighborhoods and County staff to satisfy the current requirements. Due to the impending changes to the cluster provisions of the Zoning Ordinance which will become effective July 1, 2004, and which would unfairly affect the work that has already been done, Supervisor Smyth moved that the Board direct staff to expedite and concurrently process these applications and schedule a public hearing to be held before the Board on **June 21, 2004, at 4:30 p.m.** Supervisor Bulova seconded the motion and it carried by unanimous vote.

49. **JAMES LEE COMMUNITY CENTER RE-OPENING (PROVIDENCE DISTRICT)** (11:51 a.m.)

Supervisor Smyth stated that the James Lee Community Center is a legacy of a culture and history that depicted strong leadership in the community and it continues to champion community stewardship today. What used to be the former James Lee Elementary School has undergone many changes that reflect the needs of the community, including the recent expansion of the center. The center will offer an increase in social and recreational programs and activities to meet the needs of the community as well as partner with the Northern Virginia Literacy Council, The Providence Players, the Fairfax County Park Authority, as well as other County agencies.

Supervisor Smyth invited the public to the ribbon cutting ceremony and community celebration for the re-opening of the James Lee Community Center which will be held on May 22, 2004, at 1 p.m. It will be a family event with entertainment, refreshments and tours of the newly expanded facility.

Supervisor Smyth asked unanimous consent that the Board:

- Proclaim May 22, 2004, as “*James Lee Community Day*” in Fairfax County.
- Direct staff to invite appropriate representatives from the James Lee Community Center Re-Opening Committee to appear before the Board to receive the proclamation at the May 24, 2004, Board meeting.

- Direct staff to add Chairman Connolly as a co-sponsor of the proclamation.

Without objection, it was so ordered.

50. **NO BOARD MATTERS FOR SUPERVISOR BULOVA (BRADDOCK DISTRICT)** (11:53 a.m.)

Supervisor Bulova announced that she had no Board Matters to present today.

PMH:pmh

51. **NO BOARD MATTERS FOR SUPERVISOR MCCONNELL (SPRINGFIELD DISTRICT)** (11:53 a.m.)

Supervisor McConnell announced that she had no Board Matters to present today.

52. **EMERGENCY MEDICAL SERVICES WEEK** (11:54 a.m.)

Supervisor Hyland moved that the Board designate the week of May 16-22, 2004, as "*Emergency Medical Services Week*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

53. **FAREWELL TO ROSE LAMBERT, ADMINISTRATIVE AIDE, MOUNT VERNON DISTRICT OFFICE** (11:53 a.m.)

(NOTE: Earlier in the meeting the Board honored Ms. Lambert. See Clerk's Summary Item CL#10.)

Supervisor Hyland announced that a farewell event will be held in honor of Ms. Rose Lambert at the Mount Vernon Inn at 6:30 p.m. on Friday, May 14, 2004.

54. **SCHEDULING INFORMATION FOR SUPERVISOR KAUFFMAN (LEE DISTRICT)** (11:54 a.m.)

Supervisor Kauffman announced that he may miss a portion of today's public hearing on the Solid Waste Management Plan due to a previous commitment regarding his son's Cub Scout troop.

55. **COMMUNITY PARKING DISTRICT (CPD) FOR KINGSTOWNE RESIDENTIAL OWNERS ASSOCIATION (LEE DISTRICT)** (11:55 a.m.)

Supervisor Kauffman said that the Kingstowne Residential Owners Association has successfully demonstrated community support to establish a CPD by accumulating required signatures representing 60 percent of the petition area. Normally, a \$10 application fee, required by code, is collected for each signature of support.

As this effort was initiated almost three years ago, before the Board's recent decision not to waive fees, Supervisor Kauffman moved waiver of the fee for the establishment of the Kingstowne CPD. Supervisor Bulova seconded the motion and it carried by unanimous vote.

56. **CRESTWOOD ELEMENTARY SCHOOL (LEE DISTRICT)** (11:56 a.m.)

Supervisor Kauffman announced that the principal of the Crestwood Elementary School is retiring.

Supervisor Kauffman asked unanimous consent that the Board direct staff to invite the principal of the Crestwood Elementary School to appear before the Board at an appropriate time to be recognized for her many years of service. Without objection, it was so ordered.

57. **THE BOB HEITTMAN FAMILY (LEE DISTRICT)** (11:56 a.m.)

Supervisor Kauffman asked Board Members to keep Mr. Bob Heittman and his family in their thoughts.

58. **REZONING APPLICATION RZ 2004-SU-014 AND SPECIAL EXCEPTION APPLICATION SE 2004-SU-012 (SULLY DISTRICT)** (11:56 a.m.)

Supervisor Frey said that the Ox Hill Baptist Church located at 4101 Elmwood Street in Chantilly has applied for a rezoning and special exception to permit four phases of expansion over a 15 year period. Phase I calls for the construction of additional parking and infrastructure to accommodate phases II, III, and IV to follow. Since this additional parking will help meet the church's current demand for parking, as well allowing for future growth, the church hopes to complete the Phase I improvements before winter. The Planning Commission public hearing is scheduled for September 22, 2004. Consequently, the church has requested that the Board authorize concurrent processing, and schedule a public hearing to be held before the Board to occur immediately following the Planning Commission hearing.

The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way.

Accordingly, Supervisor Frey moved that the Board:

- Direct the Director of the Department of Public Works and Environmental Services to process the site plan, plats, waivers, permits, and related documents concurrent with Rezoning

Application RZ 2004-SU-014 and Special Exception Application SE 2004-SU-012.

- Direct staff to schedule a public hearing to be held before the Board on Rezoning Application RZ 2004-SU-014 and Special Exception Application SE 2004 SU-012 to occur immediately following the Planning Commission public hearing.

Supervisor Hyland seconded the motion and it carried by unanimous vote.

59. **RECESS/CLOSED SESSION** (11:58 p.m.)

At 11:58 p.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).
 - 1. *Susan S. Roesch, et al. v. Irwin L. Auerbach, et al.*, In Chancery No. 188817 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 2. *Donald H. Cochran, Joann A. Cochran, Dean Salman, Diane E. Salman, Wallace T. Sansone, and Board of Supervisors of Fairfax County, Virginia v. Michael R. Bratti and Fairfax County Board of Zoning Appeals*, At Law No. 207043 (Fx. Co. Cir. Ct.), Record No. 030982 (Sup. Ct. Va.) (Dranesville District)
 - 3. *Robert Clem v. S. Corbeau*, Docket No. 03-1831 (4th Cir.) (Lee District)

4. *Charles J. Fitzgerald v. Fairfax County Civil Service Commission and Fairfax County*, In Chancery No. 185819 (Fx. Co. Cir. Ct.)
5. *William E. Shoup, Fairfax County Zoning Administrator v. Tae H. Ahn and Mee Y. Ahn*, In Chancery No. 187518 (Fx. Co. Cir. Ct.) (Springfield District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Kyle P. May*, In Chancery No. 189919 (Fx. Co. Cir. Ct.) (Mason District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Roy D. Faircloth*, In Chancery No. 187390 (Fx. Co. Cir. Ct.) (Springfield District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Timothy C. Magalis and Joanne M. Berger Magalis*, In Chancery No. 189606 (Fx. Co. Cir. Ct.) (Lee District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. AJB Associates, Inc., et al.*, In Chancery No. 189533 (Fx. Co. Cir. Ct.) (Sully District)
10. *Board of Supervisors v. LPM SUB 2, Inc., et al.*, At Law No. 204271 (Fx. Co. Cir. Ct.) (Lee District)
11. *Board of Supervisors v. Star Enterprise, et al.*, At Law No. 222239 (Fx. Co. Cir. Ct.) (Mt. Vernon District)

And in addition:

- Convista, Incorporated versus Fairfax County and Fairfax County Department of Purchasing and Supply Management, At Law Number 214710
- Proposed amendment to the Personnel Regulations pertaining to decisions of the Civil Service Commission
- Contract Negotiations with Logisticare Solutions, LLC

- The Williamsburg Commons Developer Default, Plan Number 7588-SD-02

Supervisor Hyland seconded the motion and it carried by unanimous vote.

PW:pw

At 3:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

60. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:37 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. This motion, the second to which was inaudible, carried by a unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

61. **AUTHORIZATION TO EXECUTE AN INTERIM AGREEMENT WITH THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION FOR JOINT DEVELOPMENT OF PUBLIC SAFETY AND TRANSPORTATION CENTER ON WEST OX ROAD** (3:38 p.m.)

Supervisor McConnell moved that the Board authorize the County Executive to execute an interim agreement in substantially the form submitted as an attachment with the Commonwealth of Virginia Department of Transportation, as agent for the Commonwealth of Virginia, for the joint development of a public safety and transportation center on West Ox Road also known as the Camp 30/West Ox Complex. Supervisor Hyland seconded the motion and it carried by unanimous vote.

62. **AUTHORIZATION OF THE SETTLEMENT OF CONVISTA, INCORPORATED, VERSUS COUNTY OF FAIRFAX, ET AL.** (3:38 p.m.)

Supervisor Frey moved that the Board authorize the settlement of *CONVISTA, Incorporated, versus County of Fairfax, et al.*, At Law Number 214710, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

AGENDA ITEMS

DMB:dmb

63. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-DR-036 (DALEVIEW NURSERY, LLC AND MAISON ET JARDIN, LIMITED) (DRANESVILLE DISTRICT)** (3:39 p.m.)

Supervisor DuBois moved to defer the public hearing of Special Exception Application SE 2002-DR-036 until **June 21, 2004, at 3 p.m.** The motion, the second to which was inaudible, carried by unanimous vote.

64. **3 P.M. - PH ON REZONING APPLICATION RZ 2004-PR-003 (ARLINGTON BOULEVARD CONSOLIDATION LLC) (PROVIDENCE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION APPLICATION SE 2004-PR-007 (ARLINGTON BOULEVARD CONSOLIDATION LLC) (PROVIDENCE DISTRICT) (3:40 p.m.)

The rezoning application property is located in the southwest quadrant of the intersection of Arlington Boulevard and Williams Drive and north and south sides of Pennell Street, Tax Map 49-3 ((1)) 135, 49-3 ((9)) 1B, 2, 2A, 3, 4, 7A and 11A.

The special exception application property is located at 8401 Arlington Boulevard, Tax Map 49-3 ((9)) 11A pt.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavit for the record.

Mr. Sampson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from the Northern Virginia Association of Realtors, Incorporated, Political Action Committee through Ms. Mary Beth Coya

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from the Northern Virginia Association of Realtors, Incorporated, Political Action Committee

Supervisor Hudgins disclosed the following campaign contribution which she had received:

- In excess of \$200 from the Northern Virginia Association of Realtors, Incorporated, Political Action Committee

Supervisor Bulova disclosed the following campaign contribution which she had received:

- In excess of \$200 from the Northern Virginia Association of Realtors, Incorporated, Political Action Committee

Supervisor Gross disclosed the following campaign contribution which she had received:

- In excess of \$200 from the Northern Virginia Association of Realtors, Incorporated, Political Action Committee

Following the public hearing, which included testimony by one speaker, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-PR-003, from the C-3 and R-1 Districts to the C-3 District, subject to the proffers dated May 3, 2004, with a caveat that this in no way prejudices the Board's possible decisions in the future on the Public Facilities Manual dealing with the stormwater management divide issue. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor McConnell being out of the room.

Supervisor Smyth moved:

- Modification of the transitional screening and barrier requirements in favor of the landscaping depicted on the generalized development plan/special exception plat.
- Modification of the loading space requirements to permit three loading spaces for Building A.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

Supervisor Smyth moved approval of Special Exception Application SE 2004-PR-007, subject to the development conditions dated April 7, 2004. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor McConnell being out of the room.

Supervisor Smyth submitted items for the record.

65. **3 P.M. – BOARD DECISION ON RZ 2003-MV-051 (VIRGINIA BUILDERS GROUP) (MOUNT VERNON DISTRICT)** (3:54 p.m.)

Supervisor Hyland moved to defer Board decision on Rezoning Application RZ 2003-MV-051 to **May 24, 2004, at 3 p. m.** Supervisor Frey seconded the motion and it carried by a vote of seven, Supervisor Gross, Supervisor Hudgins, and Supervisor McConnell being out of the room.

66. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-SU-027 (INTERNATIONAL TOWN AND COUNTRY CLUB, INCORPORATED) (SULLY DISTRICT)** (3:55 p.m.)

The application property is located at 13200 Lee Jackson Highway, Tax Map 35-3 ((1)) 11 and 45-1 ((1)) 11.

Ms. Toni L. McMahon reaffirmed the validity of the affidavit for the record.

Ms. McMahon filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Aaron Shriber, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Special Exception Application SE 2003-SU-027, subject to the development conditions dated March 10, 2004. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Frey moved:

- Modification of the transitional screening requirement along all property boundaries in favor of that shown on the SE plat.
- Waiver of the barrier requirements along the southern property boundary in favor of the landscape buffer shown on the SE plat.

- Waiver of the service drive requirement along Lee Jackson Memorial Highway.
- Modification of the Additional Standards for Golf Courses and Country Clubs to permit the outdoor tennis courts to be located within 50 feet of the property boundary.
- Waiver of the stream valley trail requirements along the Flatlick Branch.

Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

ADDITIONAL ACTION FROM CLOSED SESSION

67. **APPOINTMENT OF MS. INA FERNANDEZ AS EXECUTIVE DIRECTOR FOR COMMISSION FOR WOMEN** (3:59 p.m.)

Supervisor Gross moved the appointment of Ms. Ina Fernandez to the position of Executive Director for the Commission for Women at Grade E5 at a salary of \$81,272 effective September 6, 2004. Supervisor Bulova seconded the motion, which carried by a vote of six, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

Chairman Connolly recognized the presence of Ms. Fernandez in the auditorium and congratulated her on her appointment and warmly welcomed her to the Board Auditorium.

AGENDA ITEMS

68. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-047 (GAYFIELDS ROAD ASSOCIATES, LLC) (LEE DISTRICT)** (4 p.m.)

The application property is located in the northern parts of the affected lots which are located northeast of the intersection of Darden Row and Alderman Drive, Tax Map 91-3 ((11)) (3) 31A pt., 33A pt., 34A pt., 35A pt., 36 pt., 37 pt., 38 pt., and 39 pt.

Mr. Timothy S. Sampson reaffirmed the validity of the affidavit for the record.

Mr. Sampson filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Bulova

seconded the motion and it carried a vote of seven, Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-047, from the R-1 District to the PDH-4 District.
- Approval of the Conceptual Development Plan subject to the proposed Development Conditions contained in Appendix One of the staff report.
- Approval of a P-District variance, pursuant to the provisions of Paragraph 8 of Section 16-401, to allow a PDH District less than two acres in size.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins, Supervisor Hyland, and Supervisor McConnell being out of the room.

The Planning Commission approved Final Development Plan Application FDP-2003-LE-047 on March 25, 2004.

69. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-019 (CAMPBELL AND FERRARA NURSERIES, INCORPORATED) (MASON DISTRICT)** (No time)

(NOTE: Later in the meeting, this item was deferred. See Clerk's Summary Item CL#71.)

70. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-050 (ECHO, INCORPORATED) (LEE DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 84-L-013 (ECHO, INCORPORATED) (LEE DISTRICT) (4:04 p.m.)

The application property is located in the northeast quadrant of Lyles Road and Old Keene Mill Road at 7205 Old Keene Mill Road, Tax Map 90-1 ((1)) 51.

Mr. David R. Lasso reaffirmed the validity of the affidavit for the record.

Mr. Lasso filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from the Mr. John G. Milliken, Venable LLP

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved to waive the reading of the staff and Planning Commission recommendations. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

Supervisor Kauffman moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-LE-050, from the R-1 and HC Districts to the R-3 and HC Districts, subject to the proffers dated March 22, 2004.
- Approval of Special Exception Amendment Application SEA 84-L-013, subject to the proposed development conditions dated March 24, 2004.
- Modification of the transitional screening requirement to the north, west, and south in favor of that shown on the Generalized Development Plan/SE plat.
- Waiver of the barrier requirement to the north, adjacent to Old Keene Mill Road.
- Modification of the trail requirement along Old Keene Mill Road in favor of the existing sidewalk.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland and Supervisor McConnell being out of the room.

71. **4 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2002-MA-019 (CAMPBELL AND FERRARA NURSERIES, INCORPORATED) (MASON DISTRICT)** (4:12 p.m.)

Supervisor Gross moved to defer the public hearing on Special Exception Application SE 2002-MA-019 until **May 24, 2004, at 3 p.m.** This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Hyland and Supervisor McConnell being out of the room.

72. **4 P.M. – PH TO CONSIDER THE ADOPTION OF AN ORDINANCE TO EXTEND THE CABLE TELEVISION FRANCHISE HELD BY COMCAST CABLEVISION OF VIRGINIA, INCORPORATED, UNTIL NO LATER THAN DECEMBER 31, 2004 (RESTON FRANCHISE AREA)** (4:12 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 16 and April 23, 2004.

Following the public hearing, Skip Munster, Acting Communications Administrator, Department of Cable Communications and Consumer Protection, presented the staff report.

Supervisor Hudgins moved adoption of the Ordinance to extend the Comcast Cablevision of Virginia, Incorporated cable franchise agreement until no later than December 31, 2004, by amending the franchise agreement. Chairman Connolly seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Kauffman, Supervisor Hyland, and Supervisor McConnell being out of the room.

Additional discussion ensued with input from Mr. Munster regarding retaining the current report for future reference.

73. **BOARD RECESS** (4:16 p.m.)

At 4:16 p.m., the Board recessed briefly, and, at 4:30 p.m., reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor DuBois, Supervisor Hyland, and Supervisor Smyth, and with Chairman Connolly presiding.

74. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-SU-057 (CONTINENTAL-PACKAGING ASSOCIATES, LP AND CAFFERTY LAFAYETTE LC) (SULLY DISTRICT)** (4:30 p.m.)

Supervisor Frey moved to defer the public hearing on Rezoning Application RZ 2003-SU-057 until **May 24, 2004, at 3 p.m.** Supervisor Bulova seconded the

motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Hyland, and Supervisor Smyth being out of the room.

75. **4:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2003-PR-038 (ROBERT J. ETRIS, CITY OF FALLS CHURCH, DEPARTMENT OF ENVIRONMENTAL SERVICES) (PROVIDENCE DISTRICT)** (4:31 p.m.)

Supervisor Smyth moved to defer the public hearing on Special Exception Application SE 2003-PR-038 until **May 24, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

76. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-MA-052 (THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON, AND ALAN FISCHER) (MASON DISTRICT)**

AND

PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 88-L-071 (THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON, AND ALAN FISCHER) (MASON DISTRICT) (4:31 p.m.)

Supervisor moved to defer the public hearing on Rezoning Application RZ 2003-MA-052 and Special Exception Amendment Application SEA 88-L-071 until **May 24, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hyland being out of the room.

77. **4:30 P.M. – PH TO ADOPT THE SOLID WASTE MANAGEMENT PLAN** (4:32 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of April 22 and April 29, 2004.

Following the public hearing, which included testimony by 32 speakers, Chairman Connolly closed the public hearing and left the record open for additional testimony to be submitted.

Supervisor Bulova submitted items for the record.

Supervisor Hudgins submitted items for the record.

Supervisor Gross submitted items for the record.

Chairman Connolly submitted items for the record.

Supervisor Gross said that she had two motions to make; however, she said that if the first motion passes, the Board will indefinitely defer the initiation of the five-year notice required by State law requiring displacement of private solid waste collection companies operating in Fairfax County.

Therefore, Supervisor Gross moved that the Board direct staff to modify the draft Fairfax County Solid Waste Management Plan to reflect:

- Deletion of all references to the implementation of the five-year notice regarding displacement of private companies engaging in the provision of pick-up and disposal of garbage, trash, or refuse.
- Establishment of a Board-appointed task force comprised of representatives of small and large collection companies, consumer representatives, representatives of the environmental and business communities and staff to work together to resolve issues related to service quality, competition, air emissions from trucks, safety, disaster and emergency response, unified recycling activities, and other issues that may be specified by the Board.
- Preparation and delivery of a report to the Board within 12 months of today regarding the outcomes of the efforts of the task force.

Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

Supervisor Gross noted that Supervisor Kauffman submitted a memorandum with a number of items to be directed to the new task force. She asked unanimous consent that the Board direct staff to review the memorandum and forward it to the task force. Without objection, it was so ordered.

Supervisor Gross moved that the Board direct staff to submit the Fairfax County Solid Waste Management Plan, as modified, pursuant to the Board's action today, to the Virginia Department of Environmental Quality by June 30, 2004. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

78. **BOARD ADJOURNMENT** (6:39 p.m.)

At 6:39 p.m., Supervisor Gross moved adjournment. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

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